

AMENDED IN SENATE MARCH 22, 2006

SENATE BILL

No. 1304

Introduced by Senator Runner

February 16, 2006

An act to ~~add Section 81005 to~~ amend Section 81162 of, to add Sections 81005, 81050.3, and 81050.5 to, to add the heading of Article 7.5 (commencing with Section 81149) to Chapter 1 of Part 49 of, to repeal Sections 81051, 81130, 81130.3, 81130.5, 81130.6, 81133, 81133.5, 81134, 81135, 81136, 81138, 81141, 81142, 81143, 81144, 81146, and 81147 of, and to repeal the heading of Article 7 (commencing with Section 81130) of Chapter 1 of Part 49 of, the Education Code, relating to community colleges, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 1304, as amended, Runner. Community colleges: facilities.

(1) Existing law establishes the California Community Colleges under the administration of the Board of Governors of the California Community Colleges. Throughout the state, community college districts operate campuses and provide instruction to students. Existing law provides standards and procedures for the construction of school facilities by community college districts.

This bill would authorize state funds provided for the capital outlay financing needs of the California Community Colleges to be used to acquire an existing government-owned or privately-owned building and for the necessary costs of converting that building to community college use. The bill would provide that a community college district that is eligible for state funding for capital outlay financing may

purchase such a building and convert it to community college use with state funds if it meets specified criteria.

The bill would specify that funding for buildings purchased under the bill would not supersede funding for community college facilities that have previously been prioritized by the board of governors and are awaiting state funding. The bill would also specify that a community college district that purchases an existing building under the bill is authorized to request state funding for instructional equipment, as specified.

(2) Existing law requires the Department of General Services to supervise the design and construction of certain school buildings, including specified community college facilities, to ensure that plans and specifications comply with specified structural safety standards and to ensure that the work of construction has been performed in accordance with the approved plans and specifications, for the protection of life and property. Existing law also requires the department to pass upon and approve or reject all plans for the construction of, and in some cases, the alteration of, any school building subject to those provisions, and to make inspections of the school buildings and work of construction or alteration that in its judgment is necessary or proper for the enforcement of these requirements and the protection of the safety of the students, the instructors, and the public. These requirements are part of the body of law known as the Field Act.

Existing law establishes the California Building Standards Commission within the State and Consumer Services Agency, and requires the commission to review and approve building standards proposed and adopted by state agencies and to codify and publish approved building standards in one state building standards code, known as the California Building Standards Code.

This bill would express findings and declarations of the Legislature with respect to the need for a more effective, efficient, and timely community college facility development and construction program.

The bill would repeal the provisions of the Field Act as they apply to the construction of community college facilities.

The bill would instead specify that the seismic retrofit standards adopted by the State Architect and the California Building Standards Commission for state buildings, including those owned by the University of California and the California State University, would be

applicable to the retrofit or new construction of community college school buildings, as defined.

The bill would require the board of governors to be responsible for, and to establish, by September 1, 2007, the processes and procedures necessary and required to ensure that the design and construction of school buildings conform to the requirements of the applicable building standards of the California Building Standards Commission, including, but not necessarily limited to, the provisions relating to building permits, certification of design, observation of construction, and certificates of occupancy. The bill would specify the conditions to be met before the board of governors could issue a certification that a community college school building meets the requirements of the bill. The bill would authorize the board of governors to make rules and regulations that it deems necessary, proper, or suitable to implement these provisions.

The bill would authorize the board of governors to charge participating community college districts fees to cover the costs of the board of governors in administering these provisions. The bill would require the fees charged under the bill to be deposited into the State Treasury and credited to the continuously appropriated Board of Governors Building Compliance Fund, which the bill would establish.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 *SECTION 1. (a) The Legislature hereby finds and declares*
- 2 *all of the following:*
- 3 *(1) It is the intent of the Legislature, in recognition of the*
- 4 *growing need for higher education facilities in California, and in*
- 5 *recognition also of the California Community Colleges as an*
- 6 *integral part of the state's system of colleges and universities, to*
- 7 *establish the authority within the California Community Colleges*
- 8 *to implement an effective and efficient facility development and*
- 9 *construction program the incorporates the findings and*
- 10 *declarations of this section.*
- 11 *(2) The current processes for achieving approval of plans and*
- 12 *construction of community college facilities no longer ensure*
- 13 *that the requirements of this fast-growing segment of the*

1 *postsecondary education system will be met in a timely and*
2 *effective manner.*

3 *(3) Authorizing the California Community Colleges to*
4 *undertake its own process for approval of plans and construction*
5 *of its facilities will lead to a more effective, efficient, and timely*
6 *facility development and construction program.*

7 *(b) Therefore, it is the intent of the Legislature, in enacting this*
8 *act, to authorize and require the Board of Governors of the*
9 *California Community Colleges to undertake all responsibilities*
10 *for the design and construction of community college facilities*
11 *that currently reside within the Department of General Services.*

12 **SECTION 1.**

13 **SEC. 2.** Section 81005 is added to the Education Code, to
14 read:

15 81005. (a) State funds provided for the capital outlay
16 financing needs of the California Community Colleges may be
17 used to acquire an existing government-owned or
18 privately-owned building and for the necessary costs of
19 converting that building to community college use. A community
20 college district that is eligible for state funding for capital outlay
21 financing may purchase an existing government-owned or
22 privately-owned building and convert it to community college
23 use with state funds if all of the following criteria apply:

24 (1) The building to be purchased was constructed as, and
25 continues to qualify as, a school building pursuant to ~~Article 7~~
26 ~~(commencing with Section 81130)~~ *Article 3 (commencing with*
27 *Section 81050)*, or the building is determined to have, or is
28 rehabilitated to an extent that it is determined to have, a pupil
29 safety performance standard that is equivalent to that of a
30 building constructed pursuant to ~~Article 7 (commencing with~~
31 ~~Section 81130)~~ *Article 3 (commencing with Section 81050).*

32 (2) The total cost of purchasing and converting the existing
33 building to community college use is not greater than the
34 estimated cost of constructing an equivalent building.

35 (3) The land associated with a building to be purchased will be
36 owned by, or controlled through a long-term lease by, the
37 community college district, and that purchase or long-term lease
38 will be approved by the California Postsecondary Education
39 Commission pursuant to Section 66904.

(b) Funding for ~~the~~ a building to be purchased under this section shall not supersede funding for community college facilities that have previously been prioritized by the board of governors and are awaiting state funding. Buildings purchased under this section shall be subject to the annual prioritization process of the board of governors, and shall not receive higher priority for state funding because they are existing buildings rather than buildings proposed to be constructed.

(c) A community college district that purchases an existing building under this section may request state funding for instructional equipment. Funding for that instructional equipment shall be provided in the same manner as for other community college facilities, provided that the chancellor determines that the purchase of this equipment qualifies as a priority for state funding.

SEC. 3. Section 81050.3 is added to the Education Code, to read:

81050.3. Any building standard that is applicable to the retrofit or new construction of a school building shall be specified in accordance with Chapter 4 (commencing with Section 16600) of Division 12.5 of the Health and Safety Code.

SEC. 4. Section 81050.5 is added to the Education Code, to read:

81050.5. (a) The Board of Governors of the California Community Colleges is responsible for, and shall establish, by September 1, 2007, the processes and procedures necessary and required to ensure that the design and construction of school buildings conform to the requirements of the applicable building standards of the California Building Standards Commission, including, but not necessarily limited to, the provisions relating to building permits, certification of design, observation of construction, and certificates of occupancy.

(b) The board of governors may delegate the operation of the processes and procedures established pursuant to this section to the governing body of any community college district that demonstrates, to the satisfaction of the board of governors, that it is desirous and capable of operating these processes and procedures with respect to the school buildings of that district. Any processes and procedures that are delegated to a community

1 college district under this subdivision shall be subject to the
2 oversight of the board of governors.

3 (c) (1) The board of governors shall issue a certification that
4 a school building complies with the requirements of this article
5 after all of the following have occurred:

6 (A) The school building, constructed in accordance with plans
7 and specifications approved by the board of governors, is
8 completed.

9 (B) The notice of completion is filed with, and all final verified
10 reports and all testing and inspection documents, as required by
11 the rules and regulations adopted pursuant to this article, are
12 submitted to, and placed on file with, the board of governors.

13 (C) All required fees are paid by the community college
14 district.

15 (2) Nothing in this article shall be construed to prevent
16 beneficial occupancy by a community college district prior to the
17 issuance of a certification under this subdivision.

18 (d) The board of governors may, from time to time, make rules
19 and regulations as it deems necessary, proper, or suitable to
20 carry out the requirements of this section.

21 (e) No contract for the construction or alteration of any school
22 building, made or executed by any community college district
23 governing board or by another public board, body, or officer
24 otherwise vested with authority to make or execute this contract,
25 is valid, and no public money shall be paid for any work done
26 under this contract, or for any labor or materials furnished in
27 constructing or altering the building, unless the plans,
28 specifications, and estimates comply in every particular with the
29 requirements prescribed by the board of governors, unless the
30 approval thereof, in writing, has first been obtained from the
31 board of governors.

32 (f) The board of governors may contract with qualified firms
33 and agencies in order to carry out its responsibilities under this
34 section.

35 (g) (1) The costs incurred by the board of governors in
36 connection with this section shall be paid by the community
37 college district. The actual costs to perform the functions of
38 building official, including reviews, examinations, tests, and
39 inspections, shall be an appropriate cost of the project to be paid
40 from the building funds of the district. Certification of the project

1 by the board of governors shall be withheld until all the costs
2 have been paid by the community college district. The board of
3 governors may establish a schedule of fees or costs to be paid by
4 a participating community college district on a per project basis.

5 (2) The fees charged pursuant to this subdivision shall be no
6 higher than an amount determined by the board of governors to
7 be sufficient to provide for the administrative and operating costs
8 of the board of governors in carrying out responsibilities as a
9 building official.

10 (3) Fees charged pursuant to this subdivision shall be paid
11 into the State Treasury and credited to the Board of Governors
12 Building Compliance Fund, which is hereby established.
13 Notwithstanding Section 13340 of the Government Code, the
14 funds deposited in the Board of Governors Building Compliance
15 Fund shall be continuously appropriated to the board of
16 governors for the purposes of this section. The board of
17 governors shall annually submit to the Director of Finance an
18 annual report on the receipts and expenditures of this fund.

19 (h) Notwithstanding Section 4454 of the Government Code,
20 the board of governors shall review, for compliance with the
21 California Building Standards Code and, specifically, for
22 compliance with the access compliance provisions, as adopted by
23 the California Building Standards Commission for application to
24 state agencies, plans and specifications for all community college
25 buildings and facilities that are intended for use by the public
26 and that are constructed, in whole or in part, with state funds. No
27 contract shall be awarded until the board of governors issues
28 written approval stating that the plans and specifications comply
29 with the intent of Chapter 7 (commencing with Section 4450) of
30 Division 5 of Title 1 of the Government Code.

31 SEC. 5. Section 81051 of the Education Code is repealed.

32 ~~81051. (a) Each school building that has been placed on the~~
33 ~~National Register of Historic Places, and to be used for~~
34 ~~community college purposes, shall be renovated according to the~~
35 ~~Field Act, as defined in Section 81130.3. If subdivision (b)~~
36 ~~applies, that building may be renovated according to the~~
37 ~~regulations adopted by the State Architect pursuant to~~
38 ~~subdivision (d) of Section 17280.5.~~

39 ~~(b) The governing board of a community college district that~~
40 ~~proposes to renovate, pursuant to this section, a school building~~

1 that does not comply with the Field Act shall hold a public
2 hearing, after giving appropriate public notice, for the purpose of
3 gaining public input on the matter. The governing board shall
4 adopt its decision on this proposal at a public hearing.

5 *SEC. 6. The heading of Article 7 (commencing with Section*
6 *81130) of Chapter 1 of Part 49 of the Education Code is*
7 *repealed.*

8
9 **Article 7. Approval**

10
11 *SEC. 7. Section 81130 of the Education Code is repealed.*

12 ~~81130. (a) The Department of General Services under the~~
13 ~~police power of the state shall supervise the design and~~
14 ~~construction of any school building or the reconstruction or~~
15 ~~alteration of, or addition to, any school building, if not exempted~~
16 ~~under Section 81133, to ensure that plans and specifications~~
17 ~~comply with the rules and regulations adopted pursuant to this~~
18 ~~article and building standards published in Title 24 of the~~
19 ~~California Code of Regulations, and to ensure that the work of~~
20 ~~construction has been performed in accordance with the~~
21 ~~approved plans and specifications, for the protection of life and~~
22 ~~property. Nothing in this section shall be construed to allow a~~
23 ~~community college district to perform work with its own forces~~
24 ~~in excess of the limitations set forth in Article 41 (commencing~~
25 ~~with Section 20650) of Part 3 of Division 2 of the Public~~
26 ~~Contract Code.~~

27 ~~(b) Whenever repairs due to fire damage must be made to any~~
28 ~~school building previously approved by the Department of~~
29 ~~General Services, the approved plans and specifications used in~~
30 ~~the original work under then existing rules, regulations, and~~
31 ~~building standards may be used without modification, providing~~
32 ~~all other provisions of this article are carried out.~~

33 *SEC. 8. Section 81130.3 of the Education Code is repealed.*

34 ~~81130.3. This article, together with Article 3 (commencing~~
35 ~~with Section 17280) and Article 6 (commencing with Section~~
36 ~~17365) of Chapter 3 of Part 10.5, shall be known and may be~~
37 ~~cited as the "Field Act."~~

38 *SEC. 9. Section 81130.5 of the Education Code is repealed.*

39 ~~81130.5. (a) This article does not apply to an offsite building~~
40 ~~during the time the building is used wholly or in part for~~

community college purposes, if the building is neither owned by a community college district nor leased by a community college district under a lease containing an option to purchase that building. For the purposes of this section, an “offsite building” is a building that is situated on land which is neither owned by a community college district nor leased by a community college district under a lease containing an option to purchase the land.

(b) “School building,” as used in this article, means and includes any building used, or designed to be used, for community college purposes and constructed, reconstructed, altered, or added to, by the state or by any city or city and county, by any political subdivision, by any district of any kind within the state, by any regional occupational center or program created by or authorized to act by an agreement under joint exercise of power, or by the United States government, or any agency thereof.

(c) Where the primary use of either a building or complex within which the building is situated, operated by an official or board of a city, city and county, or county, is for purposes other than educational, such as, but not limited to, correctional, forestry, or hospital purposes, the building shall not be considered to be a “school building” as defined in this section, notwithstanding any educational use thereof incidental to the primary purpose.

(d) For the purposes of this article and Article 8 (commencing with Section 81160), “school building” does not include any of the following:

(1) Any building of a community college district that is used solely for classes or programs in outdoor science, conservation, and forestry and that does not occupy, in whole or in part, the same parcel of land upon which there is situated any school maintained by the district.

(2) Agricultural facilities that were not built for classroom purposes and that are used primarily for plant and animal production or the storage of materials, equipment, and supplies involved in that production.

(3) Animal kennels and facilities used to house animals as part of an animal health instruction program.

1 ~~(e) “Construction or alteration,” as used in this article,~~
2 ~~includes any construction, reconstruction, or alteration of, or~~
3 ~~addition to, any school building.~~

4 ~~SEC. 10. Section 81130.6 of the Education Code is repealed.~~

5 ~~81130.6. (a) It is the intent of the Legislature to expedite the~~
6 ~~repair, alteration, and reconstruction of community college~~
7 ~~facilities that have been damaged or destroyed by fire,~~
8 ~~earthquake, flood, or other manmade or natural disasters, to~~
9 ~~return those community college facilities to a condition that~~
10 ~~makes them useful to community college districts in the least~~
11 ~~amount of time and at the lowest appropriate cost while~~
12 ~~maintaining the integrity and safety of the structure as required~~
13 ~~by the laws of this state.~~

14 ~~(b) Notwithstanding any other law, if a community college has~~
15 ~~been damaged or destroyed by fire, earthquake, flood, or other~~
16 ~~manmade or natural disaster, all reviews or approvals required by~~
17 ~~this article shall be expedited. In no event shall any review or~~
18 ~~approval exceed 60 days, excluding weekends and holidays, from~~
19 ~~the date of receipt of all complete plans, specifications, and~~
20 ~~documentation for the facilities from the district.~~

21 ~~(c) If, upon review, the plans or specifications require minor~~
22 ~~amendment or modification, these minor amendments or~~
23 ~~modifications shall not delay the completion of the review or~~
24 ~~approval beyond the 60-day requirement specified in subdivision~~
25 ~~(b) unless the amendment or modification constitutes a major~~
26 ~~substantive change affecting the entire project. While any minor~~
27 ~~amendments or modifications are being undertaken, the~~
28 ~~remainder of the project shall continue under review so that a~~
29 ~~timely and adequate review may be completed within the 60-day~~
30 ~~requirement of subdivision (b).~~

31 ~~(d) A state agency that is required to perform any review or~~
32 ~~approval under this article may hire additional personnel or incur~~
33 ~~any additional costs necessary to perform the review or approval~~
34 ~~within the time limits set forth in this section and shall charge the~~
35 ~~district a fee not to exceed the actual cost of the review or~~
36 ~~approval.~~

37 ~~(e) As used in this section, “damaged” means damages to the~~
38 ~~extent that occupancy is precluded based upon a report of an~~
39 ~~architect or a structural engineer and the concurrence of the~~

1 Department of General Services in the report's conclusion that
2 the occupancy of the premises is precluded.

3 (f) The expedited review and approval required by this section
4 shall not apply if the documents are not submitted within six
5 months of the damage to, or destruction of, the facilities.

6 *SEC. 11. Section 81133 of the Education Code is repealed.*

7 81133. (a) The Department of General Services shall pass
8 upon and approve or reject all plans for the construction or, if the
9 estimated cost exceeds twenty-five thousand dollars (\$25,000),
10 the alteration of any school building. To enable it to do so, the
11 governing board of each community college district and any
12 other school authority before adopting any plans for the school
13 building shall submit the plans to the Department of General
14 Services for approval, and shall pay the fees prescribed in this
15 article.

16 (b) Notwithstanding subdivision (a), where the estimated cost
17 of reconstruction or alteration of, or addition to, a school building
18 exceeds twenty-five thousand dollars (\$25,000), but does not
19 exceed one hundred thousand dollars (\$100,000), a licensed
20 structural engineer shall examine the proposed project to
21 determine if it is a nonstructural alteration or a structural
22 alteration. If he or she determines that the project is a
23 nonstructural alteration, he or she shall prepare a statement so
24 indicating. If he or she determines that the project is structural, he
25 or she shall prepare plans and specifications for the project which
26 shall be submitted to the Department of General Services for
27 review and approval. A copy of the engineer's report stating that
28 the work does not affect structural elements shall be filed with
29 the Department of General Services.

30 (c) If a licensed structural engineer submits a report to the
31 Department of General Services stating that the plans or activities
32 authorized pursuant to subdivision (b) do not involve structural
33 elements, then all of the following shall apply to that project:

34 (1) The design professional in responsible charge of the
35 project undertaken pursuant to this subdivision shall certify that
36 the plans and specifications for the project meet any applicable
37 fire and life safety standards, and do not affect the disabled
38 access requirements of Section 4450 of the Government Code,
39 and shall submit this certification to the department. The letter of
40 certification shall bear the identifying licensing stamp or seal of

1 the design professional. This provision does not preclude a
2 design professional from submitting plans and specifications to
3 the department along with the appropriate fee for review.

4 (2) Within 10 days of the completion of any project authorized
5 pursuant to subdivision (b), the school construction inspector of
6 record on the project, who is certified by the department to
7 inspect school buildings, shall certify in writing to the
8 department that the reconstruction, alteration, or addition has
9 been completed in compliance with the plans and specifications.

10 (3) The dollar amounts cited in this section shall be increased
11 on an annual basis, commencing January 1, 1999, by the
12 department according to an inflationary index governing
13 construction costs that is selected and recognized by the
14 department.

15 (4) No school district shall subdivide a project for the purpose
16 of evading the limitation on amounts cited in this section.

17 (5) Before letting any contract for any construction or
18 alteration of any school building, the written approval of the
19 plans, as to safety of design and construction, by the Department
20 of General Services, shall first be had and obtained.

21 (6) In each case the application for approval of the plans shall
22 be accompanied by the plans and full, complete, and accurate
23 specifications, and structural design computations, and estimates
24 of cost, which shall comply in every respect with any and all
25 requirements prescribed by the Department of General Services.

26 (7) The application shall be accompanied by a filing fee in
27 amounts as determined by the Department of General Services
28 based on the estimated cost according to the following schedule:

29 (A) For the first one million dollars (\$1,000,000), a fee of not
30 more than 0.7 percent of the estimated cost.

31 (B) For all costs in excess of one million dollars (\$1,000,000);
32 a fee of not more than 0.6 percent of the estimated cost.

33 The minimum fee in any case shall be two hundred fifty dollars
34 (\$250). If the actual cost exceeds the estimated cost by more than
35 5 percent, a further fee shall be paid to the Department of
36 General Services, based on the above schedule and computed on
37 the amount by which the actual cost exceeds the amount of the
38 estimated cost.

39 (8) All fees shall be paid into the State Treasury and credited
40 to the Division of Architecture Public Building Fund, which fund

1 is continued in existence and is retitled the Architecture Public
2 Building Fund, and are continuously appropriated, without regard
3 to fiscal years, for the use of the Department of General Services;
4 subject to approval of the Department of Finance, in carrying out
5 the provisions of this article.

6 Adjustments in the amounts of the fees, as determined by the
7 Department of General Services and approved by the Department
8 of Finance, shall be made within the limits set in subdivision (j)
9 in order to maintain a reasonable working balance in the fund.

10 (9) No contract for the construction or alteration of any school
11 building, made or executed by the governing board of any
12 community college district or other public board, body, or officer
13 otherwise vested with authority to make or execute this contract,
14 is valid, and no public money shall be paid for any work done
15 under this contract or for any labor or materials furnished in
16 constructing or altering the building, unless the plans,
17 specifications, and estimates comply in every particular with the
18 provisions of this article and the requirements prescribed by the
19 Department of General Services and unless the approval thereof
20 in writing has first been had and obtained from the Department of
21 General Services.

22 (d) For purposes of this section, “design professional in
23 responsible charge” or “design professional” means the licensed
24 architect, licensed structural engineer, or licensed civil engineer
25 who is responsible for the completion of the design work
26 involved with the project.

27 *SEC. 12. Section 81133.5 of the Education Code is repealed.*

28 81133.5. (a) Notwithstanding any provision of law to the
29 contrary, including, but not limited to, Title 15 (commencing
30 with Section 3082) of Part 4 of the Civil Code, the Department of
31 General Services may issue a stop work order when construction
32 work on a community college is not being performed in
33 accordance with existing law and would compromise the
34 structural integrity of the building, thereby endangering the
35 public safety. The Department of General Services shall allow
36 construction of incidental and minor nonstructural additions or
37 nonstructural alterations without invoking its stop work
38 authority.

39 (b) A community college district or other public board, body,
40 or officer whose construction work on a community college is

1 ~~subject to a stop work order issued pursuant to subdivision (a)~~
2 ~~shall not be held liable in any action filed against the public~~
3 ~~board, body, or officer for stopping work as required by the stop~~
4 ~~work order, or for any delays caused by compliance with the stop~~
5 ~~work order, except to the extent that an error or omission by the~~
6 ~~public board, body, or officer is that basis for the issuance of the~~
7 ~~stop work order.~~

8 *SEC. 13. Section 81134 of the Education Code is repealed.*

9 ~~81134. (a) The Department of General Services shall~~
10 ~~establish one or more methods to ensure that each application has~~
11 ~~been completed sufficiently by the applicant to enable the plan~~
12 ~~review to be performed.~~

13 ~~(b) Upon receipt of a complete application, the Department of~~
14 ~~General Services shall inform the applicant of the period of time~~
15 ~~that it anticipates to elapse prior to commencing review of the~~
16 ~~applicant's plans. Within 10 days of being so notified, the~~
17 ~~applicant shall make an election to either use the Department of~~
18 ~~General Services for the review of the applicant's plans or,~~
19 ~~request the plan review be performed by one or more qualified~~
20 ~~plan review firms pursuant to Sections 81135 and 81136. If the~~
21 ~~applicant elects to use the services of the Department of General~~
22 ~~Services for review of the applicant's plans, the department shall,~~
23 ~~as necessary to expedite review of the applicant's plans do one or~~
24 ~~more of the following:~~

25 ~~(1) Contract for assistance from one or more qualified plan~~
26 ~~review firms pursuant to Sections 81135 and 81136.~~

27 ~~(2) Employ additional staff on a temporary basis.~~

28 ~~(3) Maximize the use of department staff through the use of~~
29 ~~overtime or other appropriate means.~~

30 ~~(4) Any other action determined by the department to have the~~
31 ~~effect of expediting the review and approval process.~~

32 ~~(c) Each application shall identify, for purposes of receiving~~
33 ~~the notifications required under this subdivision, an employee of~~
34 ~~the applicant community college district and either the~~
35 ~~applicant's architect or structural engineer. The Department of~~
36 ~~General Services immediately shall notify that employee, and the~~
37 ~~identified architect or structural engineer, when each of the~~
38 ~~following steps in the plan review process occurs:~~

1 ~~(1) The department requests the applicant's architect or~~
2 ~~structural engineer to correct or complete any part of the~~
3 ~~application.~~

4 ~~(2) An application number is assigned to the application.~~

5 ~~(3) Review of the applicant's plans is commenced.~~

6 ~~(4) Review of the applicant's plans is completed and the~~
7 ~~department returns the plans to the architect or structural~~
8 ~~engineer for correction.~~

9 ~~(5) Corrected plans are returned to the department by the~~
10 ~~applicant's architect or structural engineer for final review and~~
11 ~~approval.~~

12 ~~(6) The department approves the plans and causes a final~~
13 ~~record set of the plans to be printed in accordance with Section~~
14 ~~17304.~~

15 ~~(d) The Department of General Services may provide~~
16 ~~additional notifications to applicants as it deems necessary.~~

17 ~~SEC. 14. Section 81135 of the Education Code is repealed.~~

18 ~~81135.—(a) Notwithstanding Section 14952 of the~~
19 ~~Government Code, the Department of General Services shall~~
20 ~~contract with sufficient numbers of qualified plan review firms~~
21 ~~for assistance in performing the plan review required under this~~
22 ~~article or Article 5 (commencing with Section 17350).~~

23 ~~(b) For purposes of this article, "qualified plan review firm"~~
24 ~~means an individual, firm, or the building official of a city,~~
25 ~~county, or city and county, as defined in Section 18949.27 of the~~
26 ~~Health and Safety Code or the authorized representative of that~~
27 ~~building official that is identified by the Department of General~~
28 ~~Services as having appropriate expertise and knowledge of the~~
29 ~~requirements that apply to school buildings under this article.~~
30 ~~The department shall establish and maintain a list of the~~
31 ~~individuals, firms, and building officials or the authorized~~
32 ~~representatives of building officials so identified, and shall make~~
33 ~~that list available, upon request, to community college districts~~
34 ~~and other interested parties.~~

35 ~~SEC. 15. Section 81136 of the Education Code is repealed.~~

36 ~~81136.—(a) Upon submitting a complete application for~~
37 ~~review under this article, the applicant may request that the~~
38 ~~Department of General Services refer the documents necessary~~
39 ~~for the review of that application to a qualified plan review firm~~
40 ~~operating under contract with the department pursuant to Section~~

1 81135. The department immediately shall grant the request and
2 refer the necessary documents to a qualified plan review firm if
3 the applicant so requests. Upon completing the review, the
4 qualified plan review firm shall submit the documents referred to
5 it for the review of the application, together with the results of its
6 review, to the Department of General Services.

7 (b) The Department of General Services shall establish a
8 procedure governing the use by applicants of the review process
9 alternative described in this section, including, but not limited to,
10 provisions restricting the use of qualified plan review firms on
11 the basis of conflict of interest.

12 *SEC. 16. Section 81138 of the Education Code is repealed.*

13 81138. (a) Except as provided in subdivision (b), all plans,
14 specifications, and estimates shall be prepared by a licensed
15 architect holding a valid certificate under Chapter 3
16 (commencing with Section 5500) of Division 3 of the Business
17 and Professions Code or by a structural engineer holding a valid
18 certificate to use the title structural engineer under Chapter 7
19 (commencing with Section 6700) of Division 3 of the Business
20 and Professions Code, and the observation of the work of
21 construction shall be under the responsible charge of such an
22 architect or structural engineer.

23 (b) For the purposes of this section, a mechanical or electrical
24 engineer holding a valid certificate under Chapter 7
25 (commencing with Section 6700) of Division 3 of the Business
26 and Professions Code may be in responsible charge of
27 preparation of plans, specifications, and estimates, and
28 observation of the work of construction where the work is, as
29 determined by the Department of General Services, of the kind
30 normally performed by engineers certified in the particular
31 branch of engineering for which the engineer is certified. Any
32 architectural or structural work involved shall be the respective
33 responsibility of a licensed architect holding a valid certificate
34 under Chapter 3 (commencing with Section 5500) of Division 3
35 of the Business and Professions Code, or a structural engineer
36 holding a valid certificate to use the title structural engineer
37 under Chapter 7 (commencing with Section 6700) of Division 3
38 of the Business and Professions Code.

39 *SEC. 17. Section 81141 of the Education Code is repealed.*

1 ~~81141. From time to time, as the work of construction or~~
2 ~~alteration progresses and whenever the Department of General~~
3 ~~Services requires, the licensed architect or structural engineer in~~
4 ~~charge of observation of construction or registered engineer in~~
5 ~~charge of observation of other work, the inspector on the work,~~
6 ~~and the contractor shall each make to the Department of General~~
7 ~~Services a report, duly verified by him or her, upon a form~~
8 ~~prescribed by the Department of General Services, based upon~~
9 ~~his or her own personal knowledge, indicating that the work~~
10 ~~during the period covered by the report has been performed and~~
11 ~~materials have been used and installed, in every material respect,~~
12 ~~in compliance with the approved plans and specifications, setting~~
13 ~~forth detailed statements of fact that are required by the~~
14 ~~Department of General Services:~~

15 ~~“Personal knowledge,” as used in this section and as applied to~~
16 ~~the architect and the registered engineer, means the personal~~
17 ~~knowledge that is obtained from periodic visits to the project site~~
18 ~~of reasonable frequency for the purpose of general observation of~~
19 ~~the work, and also that is obtained from the reporting of others as~~
20 ~~to the progress of the work, testing of materials, inspection and~~
21 ~~superintendence of the work that is performed between the~~
22 ~~above-mentioned periodic visits of the architect or the registered~~
23 ~~engineer. The exercise of reasonable diligence to obtain the facts~~
24 ~~is required.~~

25 ~~“Personal knowledge,” as applied to the inspector, means the~~
26 ~~actual personal knowledge that is obtained from his or her~~
27 ~~personal, continuous inspection of the work of construction in all~~
28 ~~stages of its progress at the site where he or she is responsible for~~
29 ~~inspection and, when work is carried out away from the site,~~
30 ~~personal knowledge that is obtained from the reporting of others~~
31 ~~on the testing or inspection of materials and workmanship for~~
32 ~~compliance with plans, specifications, or applicable standards.~~
33 ~~The exercise of reasonable diligence to obtain the facts is~~
34 ~~required.~~

35 ~~“Personal knowledge,” as applied to the contractor, means the~~
36 ~~personal knowledge that is obtained from the construction of the~~
37 ~~building. The exercise of reasonable diligence to obtain the facts~~
38 ~~is required.~~

39 ~~SEC. 18. Section 81142 of the Education Code is repealed.~~

1 ~~81142. Except as provided in Section 18930 of the Health and~~
2 ~~Safety Code, the Department of General Services may from time~~
3 ~~to time make such rules and regulations as it deems necessary,~~
4 ~~proper, or suitable to carry out the provisions of this article.~~

5 ~~The Department of General Services shall adopt and submit~~
6 ~~building standards for approval pursuant to Chapter 4~~
7 ~~(commencing with Section 18935) of Part 2.5 of Division 13 of~~
8 ~~the Health and Safety Code for the purposes described in this~~
9 ~~article.~~

10 ~~SEC. 19. Section 81143 of the Education Code is repealed.~~

11 ~~81143. The State Department of General Services shall make~~
12 ~~such inspection of the school buildings and of the work of~~
13 ~~construction or alteration as in its judgment is necessary or~~
14 ~~proper for the enforcement of this article and the protection of the~~
15 ~~safety of the students, the instructors, and the public. The~~
16 ~~community college district, city, city and county, or the political~~
17 ~~subdivision within the jurisdiction of which any school building~~
18 ~~is constructed or altered shall provide for and require competent,~~
19 ~~adequate, and continuous inspection during construction or~~
20 ~~alteration by an inspector satisfactory to the architect or structural~~
21 ~~engineer and the Department of General Services. The inspector~~
22 ~~shall act under the direction of the architect or structural engineer~~
23 ~~as the board may direct, and be responsible to the governing~~
24 ~~board.~~

25 ~~SEC. 20. Section 81144 of the Education Code is repealed.~~

26 ~~81144. Any person who knowingly violates any of the~~
27 ~~provisions of this article or fraudulently makes any false~~
28 ~~statement in any verified report or affidavit required pursuant to~~
29 ~~this article, is guilty of a felony.~~

30 ~~SEC. 21. Section 81146 of the Education Code is repealed.~~

31 ~~81146. Any public school building which has been approved~~
32 ~~by the Department of General Services for occupancy shall be~~
33 ~~deemed to meet the local building requirements for use as a~~
34 ~~private school.~~

35 ~~SEC. 22. Section 81147 of the Education Code is repealed.~~

36 ~~81147. (a) When a school building constructed in accordance~~
37 ~~with plans and specifications approved by the Department of~~
38 ~~General Services is completed, the notice of completion is filed,~~
39 ~~and all final verified reports and all testing and inspection~~
40 ~~documents, as required by this article or as required by the rules~~

1 and regulations adopted pursuant to this article, are submitted to
2 and on file with the Department of General Services, and all
3 required fees paid by the community college district, the
4 department shall issue a certification that the school building
5 complies with the requirements of this article. Nothing in this
6 article shall prevent beneficial occupancy by a community
7 college district prior to the issuance of this certification.

8 (b) When a school building, constructed in accordance with
9 approved plans and specifications, is completed but final verified
10 reports, as are required under Section 81141, have not been
11 submitted to the Department of General Services due to the
12 incapacitating illness, death, or the default of any persons
13 required to file such reports, the Department of General Services
14 shall, upon written request of the community college district,
15 review all of the project records and make such examinations as
16 it deems necessary to enable it to certify that the school building
17 otherwise complies with the requirements of this article. The
18 Department of General Services may request the community
19 college district to have made, reported, and verified any other
20 tests and inspections which the department deems necessary to
21 complete its examinations of the construction.

22 (c) The costs incurred by the Department of General Services
23 in connection with this section shall be paid by the community
24 college district. The actual costs to perform the examinations,
25 tests, and inspections shall be an appropriate cost of the project to
26 be paid from the building funds of the district. Certification of
27 the project by the Department of General Services shall be
28 withheld until all the costs have been paid by the community
29 college district.

30 (d) This section shall not relieve any individual of his or her
31 responsibility to file verified reports, as required in Section
32 81141, or any other documents required by the rules and
33 regulations adopted pursuant to this article. This section shall not
34 abrogate the provisions of Section 81144.

35 SEC. 23. The heading of Article 7.5 (commencing with
36 Section 81149) is added to Chapter 1 of Part 49 of the Education
37 Code, to read:

38
39 *Article 7.5. Purchase of Offsite Military Facilities*
40

1 SEC. 24. *Section 81162 of the Education Code is amended to*
2 *read:*

3 81162. (a) Whenever an examination of the structural
4 condition of any school building of a community college district
5 has been made ~~by the Department of General Services~~, by any
6 licensed structural engineer or licensed architect for the
7 governing board of the district, or under the authorization of law,
8 and a report of the examination, including the findings and
9 recommendations of the agency or person making the
10 examination, has been made to the governing board of the
11 district, and the report shows that the building is unsafe for use,
12 the governing board of the district immediately shall have
13 prepared an estimate of the cost necessary to make repairs to the
14 building or buildings that are necessary, or, if necessary, to
15 reconstruct or replace the building so that the building when
16 repaired or reconstructed, or any building erected to replace it,
17 shall meet those standards of structural safety that are established
18 in accordance with law. The estimate shall be based on current
19 costs and may include other costs to reflect modern educational
20 needs. ~~Also, an estimate of the cost of replacement based on the~~
21 ~~standards established by the State Allocation Board for area per~~
22 ~~student and cost per square foot shall be made and reported.~~

23 (b) The report required by this section shall include a
24 statement that each of the buildings examined is safe or unsafe
25 for school use. For the purpose of this statement, the sole
26 consideration shall be protection of life and the prevention of
27 personal injury at a level of safety equivalent to that established
28 ~~by Article 7 (commencing with Section 81130) of this chapter~~
29 ~~and the rules and regulations adopted thereunder, disregarding,~~
30 ~~insofar as possible, building damage not jeopardizing life that~~
31 ~~would be expected from one disturbance of nature of the~~
32 ~~intensity used for design purposes in those rules and regulations~~
33 *the California Building Standards Commission for other*
34 *state-funded higher education facilities.*

35 (c) The governing board, utilizing the information acquired
36 from the examination and report developed pursuant to this
37 section, shall establish a system of priorities for the repair,
38 reconstruction, or replacement of unsafe school buildings.

O